

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1063, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 13, after "use" insert "**or**".
- 2 Page 2, line 14, delete "the owner" and insert "**:**
- 3 **(1) there is a substantial likelihood that the acquisition and**
- 4 **transfer of the property will:**
- 5 **(A) promote or retain the opportunity for gainful**
- 6 **employment; or**
- 7 **(B) create business opportunities; and**
- 8 **(2) the property is or is located within a blighted area (as**
- 9 **defined in IC 36-7-1-3(b))."**
- 10 Page 2, delete lines 15 through 27, begin a new paragraph and insert:
- 11 "SECTION 2. IC 32-24-1-4 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If the person
- 13 seeking to acquire the property does not agree with the owner of an
- 14 interest in the property or with the guardian of an owner concerning the
- 15 damages sustained by the owner, the person seeking to acquire the
- 16 property may file a complaint for that purpose with the clerk of the
- 17 circuit court of the county where the property is located.
- 18 (b) The complaint must state the following:
- 19 (1) The name of the person seeking to acquire the property. This
- 20 person shall be named as the plaintiff.

(2) The names of all owners, claimants to, and holders of liens on the property, if known, or a statement that they are unknown. These owners, claimants, and holders of liens shall be named as defendants.

(3) The use the plaintiff intends to make of the property or right sought to be acquired. **If the plaintiff intends to transfer the property to another person for a commercial use, the complaint must specifically state:**

(A) that the plaintiff intends to transfer the property to another person for commercial use; and

(B) that the intended commercial use is permissible under section 3.5 of this chapter.

(4) If a right-of-way is sought, the location, general route, width, and the beginning and end points of the right-of-way.

(5) A specific description of each piece of property sought to be acquired and whether the property includes the whole or only part of the entire parcel or tract. If property is sought to be acquired by the state or by a county for a public highway or by a municipal corporation for a public use and the acquisition confers benefits on any other property of the owner, a specific description of each piece of property to which the plaintiff alleges the benefits will accrue. Plats of property alleged to be affected may accompany the descriptions.

(6) That the plaintiff has been unable to agree for the purchase of the property with the owner, owners, or guardians, as the case may be, or that the owner is mentally incompetent or less than eighteen (18) years of age and has no legally appointed guardian, or is a nonresident of Indiana.

(c) All parcels lying in the county and required for the same public use, whether owned by the same parties or not, may be included in the same or separate proceedings at the option of the plaintiff. However, the court may consolidate or separate the proceedings to suit the convenience of parties and the ends of justice. The filing of the complaint and a lis pendens notice in any eminent domain action under this article constitutes notice of proceedings to all subsequent purchasers and persons taking encumbrances of the property, who are bound by the notice.

SECTION 3. IC 36-7-1-3 IS AMENDED TO READ AS

- 1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a) Except as**
 2 **provided in subsection (b), "blighted area" means an area in which**
 3 normal development and occupancy are undesirable or impossible
 4 because of:
- 5 (1) lack of development;
 - 6 (2) cessation of growth;
 - 7 (3) deterioration of improvements;
 - 8 (4) character of occupancy;
 - 9 (5) age;
 - 10 (6) obsolescence;
 - 11 (7) substandard buildings; or
 - 12 (8) other factors that impair values or prevent a normal use or
 - 13 development of property.
- 14 **(b) For purposes of IC 32-24-1-3.5, "blighted area" means an**
 15 **area in which normal development and occupancy are undesirable**
 16 **or impossible for one (1) or more of the following reasons:**
- 17 **(1) Deterioration of improvements.**
 - 18 **(2) Obsolescence.**
 - 19 **(3) Substandard buildings.**
 - 20 **(4) A significant percentage of the property in the area is**
 21 **vacant or abandoned."**
- (Reference is to HB 1063 as reprinted February 18, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Bray

Chairperson